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Letter dated 22 June 2017 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council

I have the honour to transmit herewith, as agreed among the representatives of the Security Council for the implementation of resolution 2231 (2015), my six-month report on the implementation of the resolution, which covers the period from 16 January to 15 June 2017.

I should be grateful if the present letter and the report could be issued as a document of the Security Council.

(*Signed*) Sebastiano **Cardi**
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implementation of resolution 2231 (2015)

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Third six-month report of the Facilitator on the implementation of Security Council resolution 2231 (2015)

I. Introduction

1. The note by the President of the Security Council of 16 January 2016 (S/2016/44) set forth the practical arrangements and procedures for the Council for carrying out tasks related to the implementation of resolution 2231 (2015), particularly with respect to the provisions specified in paragraphs 2 to 7 of annex B to that resolution.

2. In the note, it was established that the Security Council should select, on an annual basis, one member to serve as its facilitator for the functions specified therein. On 3 January 2017, I was appointed as Facilitator for the implementation of resolution 2231 (2015) for the period ending 31 December 2017 (see S/2017/2/Rev.1).

3. It was also established in the note that the Facilitator should brief the other members of the Security Council on his or her work and the implementation of resolution 2231 (2015) every six months, in parallel with the report submitted by the Secretary-General on the implementation of the resolution.

4. The present report covers the period from 16 January to 15 June 2017.

II. Summary of the activities of the Council in the "2231 format"

5. On 18 January 2017, the Security Council was briefed by the Under-Secretary-General for Political Affairs on the second report of the Secretary-General on the implementation of resolution 2231 (2015) (S/2016/1136), by me on the work of the Council and the implementation of resolution 2231 (2015) (S/2017/49) and by the Head of the Delegation of the European Union to the United Nations, on behalf of the High Representative of the Union for Foreign Affairs and Security Policy, in her capacity as Coordinator of the Joint Commission established in the Joint Comprehensive Plan of Action (see S/PV.7865).

6. On the same day, a letter from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General was received by the President of the Security Council (S/2017/51). The letter transmitted the views of the Islamic Republic of Iran on the second report of the Secretary-General on the implementation of resolution 2231 (2015) (S/2016/1136). It was circulated to the representatives of the "2231 format" of the Security Council on the same day.

7. On 31 January, the Security Council held informal consultations to consider the ballistic missile launch by the Islamic Republic of Iran on 29 January. Following the informal consultations, a letter dated 7 February, containing a report regarding the implementation of resolution 2231 (2015), was addressed to me by the Permanent Representative of the United States of America to the United Nations, on behalf of France, Germany, the United Kingdom of Great Britain and Northern Ireland and the United States. The letter also contained a proposal that the discussion of the launch, and of an appropriate response to it, take place within the "2231 format". Subsequently, on 2 March, the Council held a meeting in the "2231 format" to further consider the launch (see para. 17 below). As agreed within the "2231 format", I subsequently briefed the Security Council during the informal consultations held on 25 April.

8. On 17 March, the Security Council held a meeting in the "2231 format" to hear a briefing from the Coordinator of the Procurement Working Group of the Joint Commission established in the Joint Comprehensive Plan of Action. The Coordinator gave an overview of the procurement channel and of the work of the Procurement Working Group in terms of its functions, the activities covered, the processing of proposals and various benchmarks. The Secretariat, through the Security Council Affairs Division of the Department of Political Affairs, also provided an update on the support provided to the Council for the processing of proposals through the procurement channel. Prior to his briefing, I had met with the Coordinator to discuss the functioning of the procurement channel, receiving further confirmation of the smooth cooperation between the Council and the Joint Commission.

9. During that same meeting, the representatives also agreed to technically adjust the reporting schedule on the implementation of resolution 2231 (2015) in the programme of work of the Security Council to June and December, in order to give Facilitators the opportunity to brief the Council on their work after six months into and at the end of their tenure.

10. During the reporting period, there were no changes to the list maintained pursuant to resolution 2231 (2015), which, at present, comprises 23 individuals and 61 entities.

III. Monitoring the implementation of resolution 2231 (2015)

Joint Comprehensive Plan of Action

11. In line with paragraph 4 of resolution 2231 (2015), the Director General of the International Atomic Energy Agency (IAEA) submitted two quarterly reports, in February and June 2017, to the IAEA Board of Governors and, in parallel, to the Security Council, on its verification and monitoring activities in the Islamic Republic of Iran in the light of resolution 2231 (2015) (S/2017/234 and S/2017/502).

12. In the February report, the Agency recalled that, on 15 January 2017, it had verified that the Islamic Republic of Iran had taken the actions specified in paragraph 15.12 of annex V to the Joint Comprehensive Plan of Action, namely the removal of all excess centrifuges and infrastructure from the Fordow Fuel Enrichment Plant and their transfer to storage at the Natanz Fuel Enrichment Plant under continuous Agency monitoring. In addition, the Agency indicated that, on 21 January 2017, the Islamic Republic of Iran, under Agency verification and monitoring, had begun feeding natural UF_6 into a single IR-8 centrifuge for the first time.

13. In both quarterly reports, the Agency affirmed that the Islamic Republic of Iran had not pursued construction of the existing Arak heavy water research reactor (IR-40 reactor) based on its original design; that it had no more than 130 metric tons of heavy water; that no more than 5,060 IR-1 centrifuges remained installed in 30 cascades at the Natanz plant; that it had not enriched uranium above 3.67 per cent U-235; and that, throughout each reporting period, it had not conducted any uranium enrichment or related research and development activities at the Fordow plant and there had not been any nuclear material at the same plant.

14. The Agency also reported that the Islamic Republic of Iran had continued to permit the Agency to use online enrichment monitors and electronic seals, which communicate their status within nuclear sites to Agency inspectors, and to facilitate the automated collection of Agency measurement recordings registered by installed

measurement devices; that it had issued long-term visas to Agency inspectors designated for the Islamic Republic of Iran as requested by the Agency, provided proper working space for the Agency at nuclear sites and facilitated the use of working space at locations near nuclear sites in the Islamic Republic of Iran; and that it had accepted additional Agency inspectors designated for the Islamic Republic of Iran.

15. The Agency further reported that it was continuing to verify the non-diversion of declared nuclear material at the nuclear facilities, and locations outside facilities where nuclear material is customarily used, declared by the Islamic Republic of Iran under its Safeguards Agreement; that the Islamic Republic of Iran continued to provisionally apply the Additional Protocol to its Safeguards Agreement; and that the Agency was continuing its evaluations regarding the absence of undeclared nuclear material and activities for the Islamic Republic of Iran, including through the conduct of complementary accesses under the Additional Protocol to sites and other locations in the Islamic Republic of Iran.

Ballistic missile launch

16. By means of a letter dated 7 February 2017 from the Permanent Representative of the United States, France, Germany, the United Kingdom and the United States submitted a report to the Security Council on the ballistic missile launch by the Islamic Republic of Iran on 29 January. On 10 February, the Permanent Representative of Israel to the United Nations addressed a letter to the President of the Security Council concerning the launch (S/2017/123). Both letters were circulated within the "2231 format" of the Council.

17. On 2 March 2017, the Security Council held a meeting in the "2231 format", during which a briefing was offered by the delegation of a Member State. The experts observed that the medium-range ballistic missile, a Khorramshahr, tested by the Islamic Republic of Iran on 29 January, was designed to carry a payload greater than 500 kg to a range over 1,000 km. According to the briefers' assessment, these characteristics indicated that the missile was inherently capable of delivering nuclear weapons. In that context, the experts noted that "500 kg has been the approximate mass required to carry a first-generation nuclear weapon and 300 km is an internationally accepted range of strategic significance". The experts concluded that, in their view, the test constituted an activity related to ballistic missiles designed to be capable of delivering nuclear weapons and was inconsistent with resolution 2231 (2015).

18. Following the briefing, the issue of the particular sensitivity of the launch was discussed with regard to its regional implications and its relation to resolution 2231 (2015), as raised by some representatives. Some representatives concurred that the recent missile launch by the Islamic Republic of Iran was inconsistent with resolution 2231 (2015) and, together with others, expressed concerns about the test, which they considered to be destabilizing and as having the potential to increase tensions in the region. Some expressed the need for more information and investigations prior to making any conclusions.

19. A representative emphasized that resolution 2231 (2015) did not provide a definition as to which types of missiles were constructed in such a manner as to be capable of delivering nuclear weapons. That representative also noted the lack of evidence that the missile had been developed with the intent to deliver nuclear weapons. Other delegations said that resolution 2231 (2015) concerned intrinsic capability rather than intent. Since the launch involved a system that was, by design, capable of delivering a nuclear warhead, its use was therefore inconsistent with resolution 2231 (2015). A representative said that, because resolution 2231 (2015)

did not expressly prohibit, but only "calls upon", the Islamic Republic of Iran not to conduct launches of ballistic missiles designed to be capable of delivering nuclear weapons, the missile launch did not constitute a violation of resolution 2231 (2015). Some representatives emphasized that the Islamic Republic of Iran had denied its intention of obtaining nuclear weapons. Others underlined that the Islamic Republic of Iran was in compliance with its nuclear-related commitments under the Joint Comprehensive Plan of Action as verified by the International Atomic Energy Agency in the Director General's latest report to the IAEA Board of Governors (S/2017/234).

20. Some representatives stressed the importance for the credibility of the Security Council that the provisions of annex B to resolution 2231 (2015), including those related to the transfer of ballistic missile technology to or from the Islamic Republic of Iran, be implemented in a robust and comprehensive manner. Other representatives emphasized that the full implementation of Security Council resolution 2231 (2015) would create a conducive atmosphere for the successful implementation of the Joint Comprehensive Plan of Action. Several representatives also stressed the importance, for all relevant parties, of maintaining dialogue and of remaining committed to the full implementation of the Plan for its full duration.

21. Some representatives called upon the Secretary-General to report fully and thoroughly on the launch in his next report to the Security Council on the implementation of resolution 2231 (2015) and encouraged Member States to share information on the launch with the Secretariat. A representative objected to the need for the Secretary-General to report on the launch, asserting that it was not inconsistent with the resolution and that the Secretariat had neither the mandate nor the capabilities to investigate.

22. In the light of the views expressed by delegations, I noted that there was no consensus on how that particular launch related to resolution 2231 (2015). I stressed that it was essential that the Security Council act with unity in that field, so as to assist in the effective implementation of resolution 2231 (2015). I also proposed that, in the framework of my regular contact with interested parties, including the Permanent Representative of the Islamic Republic of Iran, I would underline the importance, for all parties, of continuing to maintain an attitude conducive to building trust and of continuing to implement the terms of the Joint Comprehensive Plan of Action and resolution 2231 (2015).

23. On 9 March, the Permanent Representative of the Islamic Republic of Iran addressed a letter to the President of the Security Council concerning the launch (S/2017/205). The letter was circulated within the "2231 format" of the Security Council on 10 March.

IV. Procurement channel approval, notifications and exemptions

24. Since Implementation Day, a total of 16 proposals to participate in or permit the activities set forth in paragraph 2 of annex B to resolution 2231 (2015) have been submitted to the Security Council by four Member States from three different regional groups, including States that are not participants in the Joint Comprehensive Plan of Action. This reflects the growing confidence of Member States in the procurement channel. I am also pleased to note that, on average, the proposals were processed through the procurement channel in less than 46 calendar days. In order to ensure the proper functioning of the procurement channel process, I wish to recall the importance of abiding by the various timelines set out in paragraph 2 of annex B to resolution 2231 (2015) for the submission of transfer or exemption notifications.

25. The Joint Commission provided a recommendation of approval for the two proposals that had been submitted to the Security Council in December 2016 and were still under consideration at the date of issuance of my previous report. The two proposals were subsequently approved by the Council.

26. During the reporting period, 10 new proposals for the supply of items, material, equipment, goods and technology set out in INFCIRC/254/Rev.9/Part 2 were submitted to the Security Council, including 2 for temporary export for the purposes of demonstration and display in an exhibition. Five of those proposals have been approved, one has been withdrawn and four are currently under review by the Joint Commission.

27. Pursuant to paragraph 2 of annex B to resolution 2231 (2015), certain nuclear-related activities do not require approval but do require a notification to be submitted to the Security Council or to both the Council and the Joint Commission.

28. In that regard, since my previous report, one notification was submitted to the Security Council in January in relation to the transfer to the Islamic Republic of Iran of natural uranium in exchange for enriched uranium in excess of 300 kg removed from the Islamic Republic of Iran in December 2015. Three notifications were also submitted to the Council in February and March, in relation to the transfer to the Islamic Republic of Iran of equipment covered by annex B, section 1, of INFCIRC/254/Rev.12/Part 1 intended for light water reactors. In addition, one notification was submitted to the Council in April for an activity related to the necessary modification of the two cascades at the Fordow facility for stable isotope production. Lastly, one notification was submitted to the Council in June in relation to the transfer to the Islamic Republic of Iran of items set out in INFCIRC/254/Rev.10/Part 2 for exclusive use in light water reactors.

29. On 14 February, I received a letter from the Coordinator of the Procurement Working Group of the Joint Commission requesting that the Security Council share with the participants in the Procurement Working Group, through its Coordinator, the notifications of the supply, sale or transfer proposals that are approved by the Security Council. On 23 February, I informed the Coordinator that the Council had agreed to his request.

30. On 12 June, the Coordinator of the Procurement Working Group transmitted to me the third six-month report of the Joint Commission (S/2017/495), in accordance with paragraph 6.10 of annex IV to the Joint Comprehensive Plan of Action.

V. Other approval and exemption requests

31. Since 16 January 2016, no proposal has been submitted by Member States to the Security Council to participate in or permit the activities set forth in paragraph 4 of annex B to resolution 2231 (2015).

32. A proposal to participate in or permit the activities set forth in paragraph 5 of annex B to resolution 2231 (2015) was submitted by a Member State on 23 November 2016 and brought to the attention of the Security Council the next day. On 24 February 2017, the Member State provided additional information to the Council on its proposal. On 28 February, I informed the Member State that, as a result of thorough consultations with respect to its specific request for approval, the Council had reached no agreement and returned its request.

33. Since 16 January 2016, no proposal has been submitted by Member States to the Security Council pursuant to paragraph 6 (b) of annex B to resolution 2231 (2015).

34. Exemptions to the asset freeze provisions and to the travel ban provisions are contained in paragraphs 6 (d) and 6 (e), respectively, of annex B to resolution 2231 (2015). No exemption requests were received or granted by the Security Council in relation to the 23 individuals and 61 entities currently on the list maintained pursuant to resolution 2231 (2015).

VI. Transparency, outreach and guidance

35. Eighteen months after Implementation Day, transparency, practical guidance and outreach remain a priority. In this regard, I plan on engaging in new outreach activities on the implementation of resolution 2231 (2015) during the second part of my tenure. Further outreach activities by the Secretariat, as mandated by the note mentioned in paragraph 1 above (S/2016/44), could form an additional instrument for fostering awareness of resolution 2231 (2015).

36. The website on resolution 2231 (2015), managed and regularly updated by the Secretariat, plays a key role in providing relevant information on resolution 2231 (2015). During the reporting period, the number of page views was more than 57,000, for a total of more than 194,000 since the creation of the website. I invite the Secretariat to regularly maintain, update and improve the website on resolution 2231 (2015).

37. I also held several bilateral consultations with Member State representatives, including the Islamic Republic of Iran, to discuss issues relevant to the implementation of resolution 2231 (2015).